

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MATTHEW ROGERS,
by his next friend and guardian,
KAREN BROWN,

Plaintiff,

V.

JON WEIZENBAUM, in his official capacity
as INTERIM COMMISSIONER, TEXAS
DEPARTMENT OF AGING AND
DISABILITY SERVICES, and KYLE JANEK,
in his official capacity as EXECUTIVE
COMMISSIONER, TEXAS HEALTH AND
HUMAN SERVICES COMMISSION,

Defendants.

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Cause No. 3:12-cv-4055

JOINT MOTION TO STAY SCHEDULING ORDER DEADLINES

Plaintiff MATTHEW ROGERS, by his next friend and guardian, Karen Brown, and Defendants JON WEIZENBAUM, in his official capacity as Interim Commissioner, Texas Department of Aging and Disability Services, and KYLE JANEK, in his official capacity as Executive Commissioner, Texas Health and Human Services Commission, hereby file this Joint Motion to Stay Scheduling Order Deadlines and in support would respectfully show the following:

Defendants have offered to provide Plaintiff Matthew Rogers with in home nursing and support services. The substantive issues in this case have therefore been resolved and the parties intend to file a joint motion to dismiss assuming they can reach a resolution of the issue of

attorneys' fees. If not, the parties will submit the issue of attorneys' fees to the Court on or before September 30, 2013.

WHEREFORE the parties respectfully request that this Court stay all outstanding deadlines prescribed by the current scheduling order operating in this case, such that the parties can seek to resolve the issue of attorneys' fees.

Dated: August 29, 2013

Respectfully Submitted,

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Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

DAVID C. MATTAX
Deputy Attorney General for Defense Litigation

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/s/ Andrew B. Stephens
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on this 29th day of August, 2013, a true and correct copy of the foregoing document was transmitted via ECF to all counsel of record.

/s/Mark Whitburn

Mark Whitburn